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September 26, 2003

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TO: Examiner Scott David Priebe
Group 1632
(703) 308-7310

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FROM Justin D. Karjala
Celera Genomics Corp.
(240) 453-3812

SEP 26 2003

FAX NO: (703) 872-9306

OF PAGES (incl. cover): 6

Re: U.S. Serial No. 09/820,790, filed March 30, 2001
Entitled "ISOLATED HUMAN KINASE PROTEINS, NUCLEIC ACID
MOLECULES ENCODING HUMAN KINASE PROTEINS, AND USES
THEREOF"
Atty. Docket No.: CL001204

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this submission.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wei SHAO et al.

Serial No.: 09/820,790

Filed: March 30, 2001

For: ISOLATED HUMAN KINASE PROTEINS,
NUCLEIC ACID MOLECULES ENCODING
HUMAN KINASE PROTEINS, AND USES
THEREOF

Art Unit: 1632

Examiner: S. Priebe

Atty. Docket: CL001204

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PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

By Facsimile

Sir:

This is in response to an Office Action mailed on August 26, 2003 from Examiner Priebe in which a restriction requirement was issued for the above-referenced application.

By way of response, Applicants hereby elect claim group III, claims 4-5, 8-9 and 22-23, directed to nucleic acid molecules, vectors, host cells, etc., for examination and have canceled claims corresponding to the non-elected groups I-II, IV-V, and VII-X.

However, applicants respectfully request that the Examiner reconsider the claim division and include new claims 24 and 34 in the elected group. The Examiner identified methods of producing a peptide as being in another claim group (group VI). Applicants are presenting new claims 24 and 34, dependent on the elected claims, drawn to methods of producing a peptide using the claimed nucleic acid molecules. The dependent claims 24 and 34 provide a specific use of the subject matter and it is believed that examination of these claims would not unduly burden the Examiner with additional review issues.

Please amend the application as follows: